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Department of Lab. Sec

OFFICE Ad. Bombay

STATION Delhi

No. 130

Dated 15. 1. 1934

To whom sent	Date	Initial
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	Copied	
	Examined	
	Signed	
	Given for despatch	
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Pages in the file	Indexed	
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(SUBJECT.)

Sir, I am ... Labour Bureau ... Simla ... Labour ... Department ... Bombay ... Labour ... Bureau ...

* Not to be filled in in the case of permanent records.

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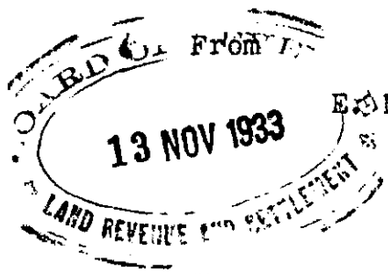
Ref. A--2--No. 6009--33.

South Kanara Collector's Office,

Mangalore, dated 10th November 1933.



From

E.M. Gawne, Esq, I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement,

Madras.

S i r,

Public Services--Subordinate services--statutory rules--Appointment of Dy. Tahsildars--Departure from Communal rotation - rule in emergency cases--orders requested.

M.R.Ry. V. K. Sundaresa Shastri went on casual leave on 24 October owing to illness. On the 3rd November he reported to the Sub Collector that he was unable to join duty and asked for a mon leave from 24th October. The Sub Collector placed the Tahsildar in charge and applied to me to make arrangements. I received thi letter on Sunday November 5th. According to the communal rotation the next turn is that of a Muhammadan. But as a qualified Mahammadan is not now available in the district the turn goes to a Non-Brahmin. The qualified non-Brahmin next on the list was M.R. U. Janardhana, Head clerk, Divisional Office, Mangalore, a place 60 miles away from Coondapur. To appoint him in such a short vacancy would result in unnecessary dislocation of work in the Divisional Office, Mangalore, where he is now working as Head clerk and probably in some other office also wherefrom a substitute would have to be appointed in his place. Further it would entail unnecessary expenditure to the State by way of travelling allowance to one or two clerks. I was also in the middle of the annual inspection of the Divisional Office, Mangalore. I did not

think it worthwhile to make such disturbances for a short period which would be less than three weeks when Mr. Janardhana had joined. At the same time the work in the office of the Sub Magistrate, Coondapur, which is half a mile from the Taluk office should go on and to put the local Tahsildar in charge would greatly inconvenience his work as well as the public. I therefore sent a telegram to the Sub Collector to appoint Mr. Sundara Rao as Sub Magistrate in the emergency.

2. There are at Coondapur two fully qualified candidates who are in the approved list. They are Messrs. H. Sundara Rao, acting Head Clerk. Divisional Office. Coondapur drawing a pay of Rs.90/- per month and Soloman Joshua. Head clerk. Taluk office. Coondapur, drawing a monthly pay of Rs.80/-. The former is far senior not only to the latter but also to Mr. U. Janardhana referred to in para 1 above. He is also a better Officer. Under the Statutory Rules for the Madras Revenue Subordinate Service I find rules for dealing with an emergency. An emergency posting of a Tahsildar can be made under rule 9, but the rules are silent about emergency postings of Dy. Tahsildar and Sub Magistrates. although there is equal need. I therefore posted the senior of the two Officers availab at Coondapur on the analogy of rule 4 of the general rules applicable to Provincial Services prescribed in G. O. No. 794, Public (Services) dated 25th September 1933 and the second proviso to rule 9 of the Madras Revenue Subordinate Service rules. The Government have recognised that there must sometimes be deviations from the communal rule because Collectors are required to give their reasons for deviations in the report, a form of which was prescribed in B. P. No. Mis. 1361 dated 28th April 1931. It is clear however that Mr. Sundara Rao cannot count this period towards his probation or claim the next regular vacancy out of the communal turn ahead of Mr. Janardhana.

I request that the Board may be pleased to approve my action. The necessary statement in the form prescribed is enclosed.

3. In this connection I would request the Board to consider the question of incorporating in the Madras Revenue Subordi-

nate Service rules, a provision in the case of appointments of Dy. Tahsildars and Stationary Sub Magistrates for dealing with cases of emergency.

Your obedient servant,

Collector.

Statement showing the appointment made in the grade of Dy. Tahsildar in the South Kanara District.

Previous appointment made. Name of the person appointed should be given.	No. of turn according to the rotation in G.O. No.714,Public dated 8.7.1922.	Name of the person appointed and his community.	Date of appointment.	Remarks, if any, such as reasons for duration etc.
1.	2.	3.	4.	5.
Mr. L. V. Shankara Rao, (non Brahmin)	VIII	Mr. K. Sundara Rao --Brahmin.	6. 11. 1933	The turn is that of a Mahammadan. But as no qualified Mahammadan candidate is now available the turn goes to a Non Brahmin. As this is a temporary vacancy of an emergent nature a deviation from the communal rotation rule had to be made to suit local arrangements and administrative convenience. Further reasons explained in this office Ref. A--2--No. 6009--33 dated 10th November 1933.

Mangalore,
10th November 1933.

J/4
Collector.

Police service (J. Kamara). The Madras Rev. Sub. Service - Temporary appointment - in the grade of by Tahr.

witness
D6897/33 - A/Li Secn
& no A-tis

Refce. D 6897/33 / JJ 17.11.3

Submitted to Govt.

2. The Madras Revenue Sub. Service Rules, as they stand at present, do not provide for any Temporary appointment in the grade of by Tahr in case emergency. Anticipating that a strict observance of the rule of continual rotation will cause administrative inconvenience in times of emergency. The Board has already proposed amending provision in the rules for temporary appointment in the grade of by Tahr, subject to maximum limit of three months vide BP Mis 2180 dated 19.7.3 The matter is still under the consideration of Govt.

3 In the circumstances now reported by the Collr of S. Kanara, the Board recommend that this person on departing for the Circle of annual rotation and appearing the R. Dy. Sub Regr as by law in a measure of urgency may be approved.

Ans
17.11.43

17.11.43
17.11.43

DESPATCHED
20 NOV 1943
R,

To
The Dy Regr
The Collr of S. Kanara

20/11

Sd/-
20/11

11 JAN 1934

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D 6997/33-1

GOVERNMENT OF MADRAS.

SECY.
11 JAN 1934

Abstract.-

PUBLIC SERVICES.- (South Kanara) - The Madras Revenue Subordinate Service - Temporary appointment of M.R.Ry H.Sundara Rao as Deputy Tahsildar and Sub Magistrate, Coondapur - Recovery of pay irregularly drawn - Waived. - G.O. cond.

Revenue Department.

G. O. No. Ms. 68 dated the 9th January 1934.

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R e a d.

From the Board of Revenue, L R & S., No.Ref.D.6997-33-1, dated 17.11.33.

O R D E R:-

In his letter forwarded with the Board's reference read above, the Collector of South Kanara has reported that he appointe M.R.Ry H.Sundara Rao, acting Head Clerk, Revenue Divisional Office Coondapur, out of the turn for his community, to act as Deputy Tahsildar and Sub-Magistrate, Coondapur, as the vacancy in which he was appointed was a short one and of an emergent nature. The Board of Revenue recommends that in the circumstances reported by the Collector, his acton may be approved.

2. The Government observe that though the Statutory rules contain

D 6897

Public Services - Sri. Kannan, the Madras Rly. Sub. Serv. Appointment to the grade of Dy Sats

D 6897/33

(Rec'd)

To Secy

Please see the reprn. dtd 1.3.34 below from the Collr of Kurnool.

2. A Dy Sats in the Rly has applied for a months leave from 26.10.33 (only 15 days) as no one was available the Collr to appoint a candidate from approved list of Dy Sats According to the communal rota a Muhammadan should have appointed on the vacancy in the Rly Serv. There is a Muh. candidate on the list, W. P. Board Sb. This officer is Manager of the Ammavu and cannot be disturbed that post until he completes the term of 5 years - Vide para 7 of G.O. No 2060 dtd 15.9.32 (P)

8.10.29. In the absence of a Muhammadan candidate for both Parts, Lance appointed a M.B. under rule 5(b)* of the general rules. Although there is a M.B. on the list, yet in the circumstances stated in paras 1 and 2 of the report the Collr has deviated from the rule of communal rotation and has appointed M.A.R. Sri Y. Sundara Rao, a Brahmin candidate as temporary measure, and requests the Board to approve the action. — ¶4 of the Mins Vol II — ¶¶ 1-2 of ¶ 5 of

3. The Rev. Sub. Service Rules, as they stand at present do not provide for any temporary appointment to the grade of Dy Tahs, regardless of the rule of communal rotation, in cases of emergency the Board has, however already recognised that as a rigid observance of the rule of rotation will cause inconvenience in times of emergency, and has proposed suitable amendments to the rules vide ¶¶ 16-18 of the B.P. Mins dated 19.7.32. The matter

as still under the consideration of Govt, and until they pass final orders Colls have to observe follow the rotation strictly, although they may have to face exigencies in times of emergency. In the circumstances the Colls's appointment of M. R. Ry. H. Sundara Rao cannot be accepted. A

In regard to para 3 of his report the Coll may be informed that the Board has already proposed amendments and that they are under the consideration of Govt B

For orders.

Letter sent. Govt have to reply as the C's action (It is necessary in view of the inconvenience to the men as they were discharged. Cal 16.11.33.

15-11-33

The action proposed at A and B is correct.

Cw 16.11.

SECY. 13 NOV 1933

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To Secy.

Draft submitted

17.11.33
17.11.33

To Secy.

Bds Refer 17.11.33

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